

Customer No. 27061
Confirmation No. 5745

Patent
Attorney Docket No. GEMS8081.023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Durbin et al.
Serial No. : 09/681,017
Filed : November 22, 2000
For : METHOD AND SYSTEM TO REMOTELY ENABLE
SOFTWARE-BASED OPTIONS FOR A TRIAL PERIOD
Group Art No. : 3621
Examiner : Calvin Loyd Hewitt II

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

Mailing

- ☐ deposited with the US Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 CFR 1.8(a)

37 CFR 1.10

- ☐ with sufficient postage as first class mail ☐ As "Express Mail Post Office to Addressee" Mailing Label No.

Transmission

- ☐ transmitted by facsimile to Fax No.: 571-273-8300 addressed to **Examiner Calvin Loyd Hewitt II** at the Patent and Trademark Office.
☒ transmitted by EFS-WEB addressed to **Examiner Calvin Loyd Hewitt II** at the Patent and Trademark Office.

Date: March 26, 2007

/Lisa J. Ehaney/
Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.183 TO SUSPEND
RULES OF 37 C.F.R. §1.131

Dear Sir:

Pursuant to 37 C.F.R. § 1.183, Applicant respectfully requests suspension of the requirements of 37 C.F.R. § 1.131 in order to proceed with the concurrently-filed antedating Declaration without the signatures of joint inventors Karamjeet Singh and Kun Zhang.

REMARKS

Applicant hereby petitions for suspension of the requirement of 37 C.F.R. §1.131 that all joint inventors must participate in a Declaration establishing invention of the claimed subject matter prior to the effective date of a cited reference. Joint inventors Karamjeet Singh and Kun Zhang are no longer employed by the Assignee of the present application. The remaining joint inventor, Winnie Durbin, has signed the Declaration Under § 1.131, filed concurrently herewith.

As set forth in the attached Declaration Under §1.131, Ms. Durbin conceived of the present invention. Mr. Singh and Mr. Zhang merely assisted in the reduction to practice of the present invention some time after Ms. Durbin's conception. Thus, their contribution to an antedating declaration based on conception of the invention is inconsequential.

Applicant therefore respectfully requests suspension of the rules of §1.131 and entry of the Declaration Under §1.131 attached hereto. The fee under 37 C.F.R. 1.17(f) for making this Petition Under §1.183 is being paid concurrently herewith via EFS-WEB. Applicant appreciates the consideration of this Petition and invites the Office of Petitions to contact the undersigned, should any matters be considered unresolved.

Respectfully submitted,

/Stephen J. Gardner/

Stephen J. Gardner
Registration No. 59,057
Phone: 262-268-8100, ext. 17
sjg@zpspatents.com

Dated: March 26, 2007
Attorney Docket No.: GEMS8081.023

P.O. ADDRESS:

Ziolkowski Patent Solutions Group, SC
136 S. Wisconsin St.
Port Washington, WI 53074
262-268-8100